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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-0131 PJH
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME FROM
v.)	SPEEDY TRIAL ACT CALCULATION
)	(18 U.S.C. § 3161(h)(8)(A))
DEMETRIUS SMITH,)	
)	
Defendant.)	
)	

With the agreement of the parties, and with the consent of defendant Demetrius Smith, the Court enters this order documenting defendant's exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1), from May 21, 2008, to May 28, 2008. The parties agree, and the Court finds and holds, as follows:

1. Defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, in this case. Defendant requested this time exclusion in order to allow time to consult with his attorney about potential resolutions for this case.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from May 21, 2008, to May 28, 2008, outweigh the best interest of the public and the defendant in a speedy trial. Id. at § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, at the hearing on May 21, 2008, the Court ordered that the period from May 21, 2008, to May 28, 2008, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: May 21, 2008

/s/
MICHAEL THORMAN
Attorney for Defendant

DATED: May 21, 2008

/s/
ANDREW P. CAPUTO
Assistant United States Attorney

IT IS SO ORDERED.

DATED: _____

PHYLLIS J. HAMILTON
United States District Judge